

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Richard Moulton

v.

No. 11-cv-391-PB

Carroll County Department of
Corrections, et al.

O R D E R

Richard Moulton has filed a complaint (doc. no. 1) stating that he is a pretrial detainee in the custody of the Carroll County Department of Corrections. Moulton's complaint includes a request for preliminary injunctive relief, as he alleges he is in need of reparative dental work that Carroll County has refused to provide.

When he filed his complaint, Moulton stated that, although he was a Carroll County inmate, i.e., in the legal custody of Carroll County, he was housed at the Rockingham County House of Corrections. The court has since discovered that Moulton is now incarcerated at the Strafford County House of Corrections. If Moulton is still a Carroll County inmate, and Carroll County is still making decisions as to what dental treatment he can receive, the Carroll County Department of Corrections is still the correct defendant for plaintiff's claim seeking injunctive relief. If, however, Moulton is now in the custody of Strafford

County, or some other incarcerating authority, the court could not direct Carroll County to provide Moulton with dental care.

To decide whether to grant Moulton a hearing on his request for injunctive relief, the court requires clarification as to whether Moulton remains (a) in the custody of Carroll County, and (b) subject to the Carroll County dental care policy. Moulton is therefore directed to notify the court, within ten days of the date of this order:

1. Whether he is still a Carroll County inmate;
2. Whether, if he is a Carroll County inmate housed at another correctional facility, he remains subject to Carroll County policies regarding the provision of dental care; and,
3. If he is a Carroll County inmate subject to Carroll County's policies regarding dental care, whether he is still requesting preliminary injunctive relief.

SO ORDERED.

/s/ Landya McCafferty
Landya B. McCafferty
United States Magistrate Judge

Date: August 16, 2011

cc: Richard Moulton, pro se

LBM:jba